

DETAILED ACTION

Claims 1-23 remain in the application. Claims 24-26 have been cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6,15,16,18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dicker (US 5,109,546).

Dicker discloses a crotch possessing corrective garment 20 that includes a tightening portion in an area fitting over a wearer's body 38 as seen in figures 1,4,5 and 7 as seen in figure 7(the upper triangular piece 38 as seen in figure 7) wherein the magnitude of the tightening portion's resistance to stretching inherently varies with direction. The variation of the resistance to stretching is adjusted with the portions 32 as seen in figures 7 and 8. When the straps are adjusted by tightening and fastening as seen in figure 9 the portions are tightened. The pulling force on the stretchable tightening portions would vary along the straps and would be tightened at the knees and along the thighs and a lower resistance at the buttocks areas where the force is less because it is the most distant from the adjusted portion and the attachment at the knee area as seen in figure 9. When the garment is worn the tightening portion runs from above the anal cleft of the wearer's body, passing above the left and right buttocks of the wearer (as seen in figure 7,1 and 4) and downwards to a position overlying the left and right

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greater trochanters at the left and right sides of the wearer's body as seen in figure 4.

The tightening portion's resistance to stretching in the direction in which the tightening portion runs is made to be lower (inherently) than the tightening portion's resistance to stretching in the direction orthogonal thereto and in a plane parallel to the surface of the skin of the wearer's body over which the tightening portion overlies. The tightening portions include the left and right tightening portions as added in claim 2 as seen in figure 7. (one for each leg and buttocks and thigh portion) . The Dicker garment further includes thigh portions that fit over the wearer's thighs and run from a position overlying the greater trochanters along the outsides of the thigh portions. (as seen in figure 4) The tightening portion has a shape that is curved above the buttocks in the plane parallel to the surface of the skin of the wearer's body over which the tightening portion overlies as seen figures 1 and 4. All of the above is as claimed in claims 4-6. The body front tightening portion that is constituted from a material having a resistance to stretching runs from above the crotch (also numbered 38 as seen in figures 1 and 7) in the front center of the wearer's body upward to the left and right when the garment is being worn as in claims 15 and 16. The tightening portion has an approximately constant width as seen in figure 7 at reference number 42 and as seen in figure 1 along both legs and thighs of the wearer. (See Dicker, col. 3, line 55 to col. 4, line 66 and figures 1, 4 and 7).

Claims 11, 14, 17, 20 and 23 are allowed. None of the cited references, alone or in combination disclose the additional supplementary tightening portions as claimed

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therein.. Claims 7-10,12,13,21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited references disclose the forked tightening portions, the supplementary tightening portions and the tightening portions as being of circular knitting or warp knitting as claimed therein.

Response to Arguments

Applicant's arguments, with respect to Takatomor JP 11061516(A) have been fully considered and are persuasive. Takatomor do not disclose the resistance to stretching as being lower as claimed and as argued by applicant as on pages 8 and 9 of their response. The prior art rejections under 35 USC 102 (b) with Takatomor has been withdrawn. The Examiner agrees with applicant's representatives comments in regard to the Interview of 3-13-09. However, the claims do not overcome the Dicker reference as outlined above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Gloria Hale/
Primary Examiner, Art Unit 3765
